

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claim 11 is amended to incorporate the subject matter recited in independent claim 1. Thus, no new matter is added.

I. Information Disclosure Statement

An Information Disclosure Statement and Form PTO-1449 were filed on September 12, 2003. A copy of the Form PTO-1449 was mailed with the outstanding Office Action on February 2, 2004. However, reference JP 6-132111 was not initialed. Applicants request that an initial copy of the Form PTO-1449 listing the above-identified reference be returned to Applicants indicating receipt and consideration of the reference. Applicants appreciate Examiner Koslow's indication that she would acknowledge the reference in the next Office Action as discussed during the telephone interview of April 26, 2004.

II. Allowed/Allowable Subject Matter

Applicants appreciate the allowance of claims 10, 17 and 18, as well as the indication of allowable subject matter in claims 11-16, they being allowable if rewritten in independent form to include all of the features of their base claim and any intervening claims. Applicants submit that claim 11 is rewritten in independent form. Accordingly, claims 11-16 are also in condition for allowance.

III. Non-Statutory Double Patenting

Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,652,768. The rejection is respectfully traversed.

The Office Action alleges that claims 1-9, although not identical, are not patentably distinct from claims 1-18 of U.S. Patent No. 6,652,768.

Applicants submit that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. §1.321(b) and (c) is filed concurrently herewith. Accordingly, Applicants respectfully request the non-statutory double patenting rejection of claims 1-9 be withdrawn.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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